

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WAS 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-2020-04)	DECISION AND
Baker Estates Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on June 18, 2020, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The applicant and owner is Craig Thompson, PO Box 2114, Wenatchee, WA 98807.
2. This application is for a major subdivision to create 19 new single family residential lots. The subject property is approximately 3.49 acres in size. The lots are proposed to range in size from approximately 6,092 square feet to 10,354 square feet. Existing structures will be removed.
3. Location: The proposal is located at 2410 N Baker Ave. The property is further described as located within Section 34, Township 23N, Range 20 E.W.M. The Assessor's Parcel Number is 40900002113.
4. Site Characteristics: The topography is relatively flat.
5. Site Information:

Total Project Size:	3.49 acres
No. of lots	19
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Varied

6. Surrounding Property:
North: Single family homes.
South: Cascade Elementary School (School District #206)
East: Single family homes
West: Single family homes
7. The subject property is located within the Greater East Wenatchee Planning Area.
8. The subject property is located within the East Wenatchee Urban Growth Area.
9. The Comprehensive Plan designation is Low Residential.
10. The subject property is located in the Low Density Residential (R-L) zoning district which allows for subdivisions as permitted uses.
11. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area.
12. EWMC 17.72.210 requires residential lots to have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac, or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.60 EWMC.
13. The access is designated as "Private Road Easement."
14. The application triggers the requirement to provide parks/open space. Based on project size, the project area is 3.49 acres or 152,024 sf. The required open space requirement of 5% is 0.17 acres or 7,601 sf. The applicant has identified the desire to make payment pursuant to EWMC 17.73.090 Elective optional payment in lieu of establishing an on-site open space/recreation area. According to the applicants, the estimated value of the current land is approximately \$500,000 to \$550,000. The applicant has agreed to the value of the open space of 5% to be approximately \$25,000 to \$27,500. These valuations are not based on an appraisal but current sales in the market. The final and total amount will include this and other amounts in compliance with EWMC 17.73.090 (C).
15. One public comment was been received from Samantha, 210 25th ST NE, East Wenatchee WA 98802. At the time of writing this decision, the applicant has not responded to Douglas County, nor a record of response to the public comment.
16. The Douglas County PUD provided comments regarding electrical service.
17. Domestic water service shall be by expansion of the East Wenatchee Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements,

- including necessary easements, must be accepted in writing from the utility prior to final plat approval.
18. The East Wenatchee Water District provided comment that public water is available per this request upon completion of necessary conditions.
 19. Sanitary sewer service shall be by expansion of the Douglas County Sewer District public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's and the Dept. of Ecology's standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
 20. The Douglas County Sewer District provided comment that public sewer is available. Specific conditions are provided for approval.
 21. The Douglas County Fire Marshal has reviewed the project, and subject to the recommended conditions, the proposal can be granted.
 22. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - 22.1 Alternate to Code Request prepared by Torrence Engineering, accepted May 18, 2020.
 - 22.2 Civil Plans prepared by Torrence Engineering, received April 28, 2020.
 - 22.3 Preliminary Plat prepared by Fitzpatrick Surveying, received April 28, 2020.
 - 22.4 Preliminary Stormwater Report prepared by Torrence Engineering, received April 28, 2020.
 - 22.5 SEPA Checklists prepared by the applicant, received April 28, 2020.
 23. A request for an alternate to the East Wenatchee Municipal Code (EWMC) was reviewed and accepted on May 18, 2020. The alternate to code allows the applicant to:
 - 23.1 Construct a hammerhead in lieu of a cul-de-sac.
 24. The plans depict construction of an internal private road that meets the requirements depicted on Douglas County Road Standards Figure 3-7a. A turnaround is provided in the form of a hammerhead.
 25. In order to meet the state requirements for Enhanced 911 service, all lots within this plat shall be addressed and internal roads shall be named prior to final plat approval.
 26. Comments from reviewing agencies have been considered and addressed where appropriate.
 27. Douglas County issued a Determination of Non-Significance on May 29, 2020 pursuant to WAC 197-11-355 (Optional DNS).
 28. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.

29. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
30. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
31. The stormwater report adequately demonstrates stormwater management feasibility for the subject property through the use of qualitative analysis, sub-basin delineation, and calculations.
32. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
33. The subject property is located within the Low Density Residential (R-L) Zoning District under East Wenatchee Municipal Code, which allows for the subdivision of land.
34. The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.
35. Major Subdivisions: The requirements of Title 17, "Subdivisions" Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 10 or more lots, parcels or tracts.
36. Comprehensive Plan: The Greater East Wenatchee Area Comprehensive Plan designates this property as Low Density Residential. The minimum lot size permitted in the Low Density Residential designation is 5,000 square feet. It is envisioned that this designation would permit a range of housing options and densities to provide areas desirable for single-family residential use. The primary and preferred land use is residential. The use of innovative housing techniques such as attached single family, zero-lot line housing, averaging lots sizes, infilling and a variety of housing types, densities and other alternates should be encouraged. In order for these techniques to be used in a manner that protects the integrity of the surrounding properties, there must be mechanisms to ensure neighborhood compatibility and good design quality. Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to ensure that a full range of urban governmental services is available to serve the development within the planning period. The goals and policies set forth in in Findings of Fact 37-41, from the comprehensive plan are relevant to this development.
37. Urban Growth:
 - 37.1 POLICY UG-12: The City and County encourage the use of innovative, high quality infill development and redevelopment strategies such as planned developments, zero-

lot line, lot-size averaging, shadow platting, small lot subdivisions, and mixed uses in existing developed areas within the urban growth areas.

38. Land Use – Residential:

- 38.1 The quality and integrity of residential neighborhoods defines the character of the community. Ensuring that these neighborhoods remain stable and vital is of primary importance to meet the goals of the Growth Management Act, the Land Use Plan, and the Housing Plan.
- 38.2 POLICY: Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to ensure that a full range of urban governmental services is available to serve the development within the planning period.

39. Housing:

- 39.1 GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
- 39.2 GOAL: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.
- 39.3 GOAL: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
- 39.4 POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
- 39.5 POLICY H-4: Apply consistent standards in residential development to preserve residential character.
- 39.6 POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
- 39.7 POLICY H-12: Development standards must address efficient transportation networks and multi-modal opportunities for new development requiring the extension of existing streets into and through developments and the provision of sidewalks and trails for non-motorized modes of transportation.
- 39.8 POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 39.9 POLICY H-25: Ensure that new developments provide adequate street illumination.

40. Utilities:

- 40.1 GOAL 1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the area, in a fair and timely manner.
- 40.2 POLICY UT 2: A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.
- 40.3 POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
- 40.4 POLICY UT 4: Ensure that development take into account the timely provision of adequate and efficient utility systems.

- 40.5 POLICY UT 5: The cost of on-site utility improvements or site preparation for developments, such as surface drainage, utilities, and water and sewer systems should be the responsibility of private enterprise.
- 40.6 POLICY UT 7: Facilitate the provision of urban services to all areas in the urban growth area by sizing and locating new services that will efficiently accommodate future service extensions.
- 40.7 POLICY UT 10: Require the under-grounding of utility wires, where feasible.
- 40.8 GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.
- 40.9 GOAL 5: Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.
- 40.10 POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.
- 40.11 POLICY UT 25: Require new developments locate required stormwater management facilities on-site unless a regional facility benefiting drainage has been constructed with sufficient excess capacity to serve the development.
- 40.12 POLICY UT 29: Stormwater facilities and infrastructure shall be of a type, nature and location to facilitate ease of access for required inspection, maintenance and operation. Stormwater facilities shall be located on a separate tract, where feasible overflow and access is provided from a county or city right-of-way.

41. Transportation:

- 41.1 GOAL: Provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.
- 41.2 GOAL: Ensure adequate and safe access to property via a system of public and private roads.
- 41.3 POLICY T-4: Permanent cul-de-sacs shall only be permitted in situations where it can be demonstrated that the design provides an acceptable level of network circulation and the prohibition of cul-de-sacs creates an unreasonable economic burden.
- 41.4 POLICY T-6: As public and private development occurs, ensure that transportation system improvements have adequate streets, sidewalks and walkways; and are consistent with the transportation and adopted system design.
- 41.5 POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
 - 41.5.1 Provision for adequate parking must be included for all development
 - 41.5.2 Natural and artificial landscaping should be considered in the design of system facilities
- 41.6 POLICY T-8: Facilitate mobility for all residents within the Greater East Wenatchee Area; including the elderly and persons with disabilities by providing accessible transportation facilities.
- 41.7 POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.

- 41.8 POLICY T-17: Economic and residential growth decisions should be tied to the ability of the existing transportation system to accommodate the increased demand, or new transportation facilities should be provided concurrently with the proposed development.
 - 41.9 POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
 - 41.10 POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
 - 41.11 POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
 - 41.12 POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
 - 41.13 POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.
 - 41.14 POLICY T-27: All transit related decisions such as roadway access, projects, and pedestrian linkages shall be consistent with the current adopted LINK service area policies.
 - 41.15 POLICY T-28: Coordinate with LINK to provide public transportation, which is affordable, safe, convenient, clean, comfortable, accessible, well maintained and reliable.
 - 41.16 POLICY T-34: Development shall provide improvements adjacent to their development in accordance with adopted design standards and approved traffic studies. Where deficiencies are present, these issues would have to be addressed prior to development occurring in order to protect the public's health, safety and general welfare consistent with the policies of the comprehensive plan, standard engineering principals, and adopted standards. Improvements necessary to maintain adopted levels of service shall be in place at the time of development, or a financial commitment agreed to by the city or county and the applicant must be in place to complete the improvements or strategies within six years.
 - 41.17 POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.
42. Douglas County issued a Determination of Non-Significance on May 29, 2020 in accordance with WAC 197-11-355 (Optional DNS).
43. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements.
44. Comprehensive plan consistency: The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development will be served by the full range of urban services. The first goal of the transportation chapter strives to provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods and services at an optimum level of safety, economy and efficiency.

45. Consistency with the provisions of Title 17, "Subdivision", DCC: As conditioned, the proposed subdivision is consistent with the provision of this title.
46. Consistency with the provisions of the R-L Zoning District, Chapter 17.24, EWMC as adopted by Douglas County: As conditioned, the following dimensional standards for the R-L zoning district (EWMC 17.24.050) will be met for each proposed lot:
- 46.1 Minimum lot area: 5,000 square feet, except as provided in EWMC 17.72.020(D);
 - 46.2 Minimum width of lot at building line: 50 feet. Corner lots shall have a minimum width at the building line of 60 feet, except as provided in EWMC 17.72.020(D);
 - 46.3 Minimum lot depth: 80 feet;
 - 46.4 Maximum building height: 35 feet;
 - 46.5 Maximum land coverage: 40 percent for all buildings;
 - 46.6 Minimum setback distances, except as provided in EWMC 17.72.040:
 - 46.6.1 Front yard: 15 feet, provided any garage or carport with vehicle entrances facing a street shall be set back at least 20 feet from the front lot line;
 - 46.6.2 Rear yard: 15 feet;
 - 46.6.3 Side yard: five feet.
 - 46.7 Buildings on corner lots shall observe the minimum front yard setback on both streets and shall provide at least one rear yard setback.
 - 46.8 Cul-de-Sacs or Irregular Lots (EWMC 17.72.040). No building or structure shall be erected where the front building setback line measures less than 60 feet wide, except when located in a manufactured home park or if specifically approved as a part of a planned development.

17.72.210 Lot frontage - Residential lots shall have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac, a manufactured home park, a planned development or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.60 EWMC, comprehensive street standards, and any amendments. A minimum of 20 feet of contiguous frontage is required for lots located on a cul-de-sac (road right-of-way) in all use districts and lots located on the outside of a road curve with a radius between 50 and 75 feet.
 - 46.9 As applied, the proposal is consistent with the provisions of this chapter.
47. Consistency with the provisions of Lot Frontage, Section 17.72.210, EWMC as adopted by Douglas County: Residential lots shall have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.60 EWMC, comprehensive street standards, and any amendments. A minimum of 20 feet of contiguous frontage is required for lots located on a cul-de-sac (road right-of-way) and lots located on the outside of a road curve with a radius between 50 and 75 feet.
- 47.1 As applied, the proposal is consistent with the provisions of this chapter. The access is designated as "Private Road Easement."
48. Consistency with the provisions of Open Space Standards, Chapter 17.73, EWMC, adopted by Douglas County: RCW 58.17.110 requires that local governments make appropriate provision for the establishment of parks, open space and recreational areas at the time it considers approval of a proposed subdivision. The Greater East Wenatchee Area

Comprehensive Plan and EWMC 17.73 establish the level of service and standards in order to mitigate any adverse impacts of new development on neighborhoods without adequate parks, open space and recreational facilities.

49. The application triggers the requirement to provide parks/open space. Based on project size, the project area is 3.49 acres or 152,024 sf. The required open space of 5% is 0.17 acres or 7,601 sf in area. The applicant has identified the desire to make payment pursuant to EWMC 17.73.090 Elective optional payment in lieu of establishing an on-site open space/recreation area. According to the applicants, the estimated value of the current land is approximately \$500,000 to \$550,000. The applicant has agreed to the value of the open space (5%) from \$25,000 to \$27,500. These valuations are not based on an appraisal but current sales in the market. The remaining components of payment calculations are subject to compliance with the EWMC.
50. A final agreed payment must be included with the construction drawings. The open space payment must comply with EWMC 17.73 Open Space Standards.
50.1 As conditioned, the proposal is consistent with the provisions of this chapter.
51. In order to meet the state requirements for Enhanced 911 service, all lots within this plat shall be addressed and internal roads shall be named prior to final plat approval.
52. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage: As conditioned, the proposal is consistent with the provisions of this chapter.
53. Consistency with the provisions of DCC Title 12 Road Standards: As conditioned, the proposal is consistent with the provisions of this chapter.
54. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included below:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	N/R	LINK	N/R
Douglas County PUD	05/06/2020	Douglas County GIS/Addressing	04/29/2020
WA State Dept. of Ecology	N/R	Douglas County Assessor	N/R
Douglas County Fire Marshal	05/18/2020	East Wenatchee Water District	05/11/2020
Douglas County Sewer District	05/13/2020	Douglas County Transportation & Storm Water	05/18/2020
Douglas County Land Services	05/14/2020	Wenatchee Reclamation District	04/30/2020 N/A

Colville Confederated Tribes	N/R	Dept. of Arch. & Historical Preservation	N/R
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55. After due legal notice and open record public hearing was held on June 18, 2020.
56. The entire Planning Staff file was admitted into the record at the public hearing.
57. Admitted into the record were the following exhibits:
- 57.1 Ex. 1: Douglas County Sewer District No. 1 comment dated June 10, 2020.
- 57.2 Ex. 2: Washington State Department of Ecology comment dated June 8, 2020.
58. Appearing and testifying on behalf of the applicant was John Torrence. Mr. Torrence testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Torrence testified that the applicant had no objection to any of the proposed conditions of approval, including those contained in the new comments submitted by the Douglas County Sewer District, dated June 10, 2020 (Exhibit 1) and the Washington State Department of Ecology, dated June 8, 2020, (Exhibit 2).
59. Testifying from the public were the following individuals:
- 59.1 Carlos Murillo. Mr. Murillo testified that he lives behind the subject property. He was worried about excavation that may occur near his house.
- 59.2 Pat Ogle. Ms. Ogle testified about her concerns regarding traffic, including increased school traffic. She lives on Ashland Avenue.
- 59.3 Laura Rosentrater. Ms. Rosentrater testified that her primary concern was that she lives on the north side of the development and her concern was regarding dust and privacy.
- 59.4 After the above testimony, Mr. Torrence testified that there would only be one access into and out of this property and that would be on to Baker Avenue. He indicated that the borders of the property to the north and to the west would certainly be fenced and borders to the south and east may have fencing.
60. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
61. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.

3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 07-01H.
6. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
7. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that P-2020-04 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawings.
4. The final plat shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
6. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
7. During construction, all work associated with the proposed project shall occur between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday. Construction activities on Sunday shall not commence before 8:00 a.m. and shall conclude by 7:00 p.m.

8. The final plat shall show the location of all easements serving or encumbering the subject property.
9. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility easements shall be depicted on the face of the final plat.
10. The developer shall install all utilities in accordance with the standards and specifications of the Chelan-Douglas Health District, Douglas County PUD, East Wenatchee Water District, Douglas County Sewer District, and Douglas County Fire District #2.
11. The developer shall prepare final plans for the development and installation of utilities for the approval of the respective purveyors prior to site development. Final "as-built" drawings shall be delivered to purveyors upon completion.
12. Written verification of the availability of public water and sanitary sewer to each lot must be submitted to the Chelan Douglas Health District prior to final plat approval.
13. Prior to final plat approval, written verification shall be provided from the Douglas County Sewer District that all District requirements have been satisfied and that adequate sewer is provided to all lots within the project. The following shall be required:
 - 13.1 An extension of public sewer will be required to serve the subdivision, and the developer will need to initiate the Developer Extension Application/Agreement (DEA) process with the Sewer District.
 - 13.2 No guarantees or assurances are made regarding sewer availability beyond this date. This information is based on existing conditions, as well as any private developments currently in permitting, or planned public projects, that will contribute sewage loading to the District's collection and treatment facilities. The operational condition, and/or degree of utilization (capacity), of public sewer facilities may change at any time. The Sewer District will not assume responsibility for providing availability updates to the applicant after this date, unless requested to do so by the applicant.
14. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied. The applicant shall complete a Customer Service Request and coordinate with District engineering on design for electrical/fiber service.
15. Residential Fire Flow requirement 1000 gpm for a two-hour duration at min 20psi. Hydrants to be spaced no greater than 500 feet. Nearest frontage access to each lot must be no more than 250 feet from a hydrant. Final hydrant locations to be approved by Fire Marshal upon submittal. Prior to final plat approval, written verification shall be provided from the Douglas County Fire Marshal that all requirements have been satisfied.
16. Prior to final plat approval, written verification shall be provided from the East Wenatchee Water District that all District requirements have been satisfied and that adequate water is provided to all lots within the project.
 - 16.1 A DEA (developer line extension agreement) will be required prior to plan submittals to the District. Requirements for fire flow will meet the standards of the Douglas County Fire Marshal and all required improvements will be per current District Design Standards and Specifications.

- 16.2 The Developer will assume all the District's costs for this proposal including inspections, testing and permits. After construction is completed and accepted by the District, a 2-year Maintenance/Warranty Bond will be required.
17. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the East Wenatchee Municipal Code and Douglas County Code.
 18. Internal private roads shall be constructed to meet the roadway section presented on Figure 3-7a of the Douglas County Road Standards. The applicant is allowed to construct a hammerhead at the end of the private road in lieu of a cul-de-sac per the accepted alternate to code. Coordinate design and approval of the hammerhead turnaround with the Douglas County Fire Marshal.
 19. Access to North Baker Avenue for individual lots created within this subdivision is prohibited. A one foot (1') non-vehicular easement shall be included along the North Baker Avenue frontage excluding the location designated for the private road connection.
 20. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code, Douglas County Code Section 12.57.100 Roadway Illumination, and meet Douglas County PUD Standards. The applicant shall be responsible for PUD charges for the connection of street lights to the transformer or hand hole. The type of light fixture to be installed within the public right of way shall be coordinated with Douglas County during construction plan review.
 21. The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. A pullout / turnout shall be provided if the mailbox cluster is located on North Baker Avenue. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance. Cluster mailbox units shall be located within the public right of way or covered within an easement dedicated for such use.
 22. Five-foot utility easements (min.) are required along all lots or tracts with County road frontage in accordance with applicable road standards. Utility purveyors may require easements in excess of five feet.
 23. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
 24. A Private Access Operation and Maintenance Agreement shall be prepared, executed, and recorded by the applicant; the Auditor's File Number(s) shall be noted on the final plat map.
 25. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, off-site improvements, internal roads, utility infrastructure, stormwater systems, and grading have been constructed/completed in accordance with the Conditions of Approval, applicable codes, and the accepted construction plans. Monitoring shall be required as determined appropriate by

- the Engineer of Record and in accordance with the Road Standards, with final reports submitted to Douglas County along with the certification.
26. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and a Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to final plat acceptance.
 27. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
 28. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County, by the applicant. The extent of repair and/or replacement will be determined during construction plan review and during field inspection of the proposed work within the right-of-way.
 29. A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in the State of Washington that conforms to Douglas County Code and the 2019 Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
 30. Field infiltration tests shall be performed in the location of the proposed infiltration facilities in accordance with the guidance presented in the SWMMEW. The infiltration rate derived in this manner shall be utilized in the design process with an appropriate factor of safety/correction factor applied.
 31. This information shall be included as an appendix to the stormwater report and contain, at a minimum, the name of the testing agency, the methodology utilized, and the recorded time step information.
 32. Stormwater facilities shall be designed to overflow to the public Right of Way or oversized by 125% of design capacity plus one-foot of freeboard. The volume used to determine that the system meets 125% of design capacity cannot include volume provided by the one-foot of freeboard. A downstream analysis of potential overflow impacts shall be included within the design report.
 33. Stormwater facilities shall be located on a separate tract(s) or easement(s) under the functional control of the Homeowners' Association with each lot having an undivided ownership, interest, and responsibility for the tract(s).
 34. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans, report, and on the face of the final plat.
 35. Prior to any on-site grading occurring or prior to construction plan acceptance (whichever comes first), a Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and

- Sediment Control Plan (TESC Plan) shall be submitted to and accepted by Douglas County. The SWPPP and TESC Plan shall be kept on-site at all times and updated as necessary to address and prevent sediment and sediment laden water from leaving the project site.
36. The applicant is responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging onto the public Right of Way or adjacent properties.
 37. As applicable, registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control Program shall be completed prior to construction.
 38. The Engineer of Record shall monitor construction and shall provide as-built drawings and report as necessary along with certification that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. UIC registration shall be provided as applicable.
 39. Prior to final plat acceptance, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant. A note shall be included on the face of the final plat which states:
 - 39.1 "Douglas County will not maintain the private stormwater facilities located within this subdivision. Responsibility for the long term maintenance of the private stormwater facilities is described within the Declaration of Stormwater System Maintenance Covenants recorded under AFN _____."
 40. Individual lots created within this development are subject to the Douglas County Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance.
 41. Individual/common plan development for this proposal exceeds 1-acre of disturbed ground. This would meet the threshold by the Washington State Department of Ecology (WSDOE) in administering their general permit to discharge stormwater associated with construction activity. The applicant is responsible for acquisition of all applicable permits prior to beginning ground breaking activities, including but not limited to: Construction Stormwater General Permit, Sand & Gravel Stormwater General Permit, and/or Industrial Stormwater General Permit. Compliance with the Washington State Department of Ecology's regulations is the responsibility of the applicant.
 42. Prior to final plat approval, written verification from the Irrigation District (Wenatchee Reclamation District or Greater Wenatchee Irrigation District) that the requirements of the District have been satisfied is required.
 43. In order to meet the state requirements for Enhanced 911 service, all lots within this plat shall be addressed and internal roads shall be named prior to final plat approval.
 - 43.1 The applicant shall follow the guidelines in DCC 12.04 (road naming) for naming. Approval of final road naming is required. the proposed private road will need to be

named with a word that begins with the letter "B", have a prefix of NW and follow DCC 12.04

- 43.2 Final addresses will be assigned during the blue line review.
44. A final recreation space payment must be included with the construction drawings. The open space plans must comply with EWMC 17.73 Open Space Standards, which includes that the land value shall be based upon the Fair Market Value of the project site as determined by a qualified real estate appraiser. The applicant shall prepare the total amount to include the following.
- 44.1 The value of the land that would be required for the on-site open space/recreation area shall be determined by the per acre value of the entire project site multiplied by the acreage amount of the required on-site open space/recreation area.
- 44.2 The estimated cost of the open space/recreation facilities and access requirements specified in EWMC 17.73.040. Documentation of the estimated costs must be provided by the developer.
- 44.3 A one-time administrative fee of \$300.00 shall be paid by the applicant to the jurisdiction accepting the funds.
45. The applicant shall comply with all recommendations of the Douglas County Sewer District No. 1 contained in their comments dated June 10, 2020.
46. The applicant shall comply with all requirements set forth from the Washington State Department of Ecology dated June 8, 2020.

Dated this 19th day of June, 2020.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Any aggrieved party or agency of record may request a reconsideration of this Hearing Examiner's decision. Motions for reconsideration must be filed with the Department within ten (10) days from the date of issuance as defined by RCW 36.70C.040(4)(a). Unless otherwise provided, the filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the Hearing Examiners decision to Superior Court. Motions for reconsideration are governed by Douglas County Code 2.13.150.

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.